

Union Calendar No. 531

114TH CONGRESS
2D SESSION

H. R. 3394

[Report No. 114-685]

To amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. POSEY (for himself, Mr. TROTT, Mr. DEUTCH, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 12, 2016

Additional sponsors: Mr. FORBES, Mr. ROONEY of Florida, and Mr. POE of Texas

JULY 12, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 29, 2015]

A BILL

To amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Clarifying Amendment*
5 *to Provide Terrorism Victims Equity Act” or the “CAP-*
6 *TIVE Act”.*

7 **SEC. 2. USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS**
8 **OF U.S. PERSONS AGAINST TERRORIST PAR-**
9 **TIES.**

10 *Section 201(d) of the Terrorism Risk Insurance Act*
11 *of 2002 (28 U.S.C. 1610 note) is amended—*

12 *(1) in paragraph (2)—*
13 *(A) in the matter preceding subparagraph*
14 *(A), by striking “means”;*
15 *(B) by amending paragraph (2)(A) to read*
16 *as follows:*

17 *“(A) means any asset seized or frozen by the*
18 *United States under section 5(b) of the Trading*
19 *With the Enemy Act (50 U.S.C. App. 5(b)),*
20 *under sections 202 and 203 of the International*
21 *Emergency Economic Powers Act (50 U.S.C.*
22 *1701; 1702), or under section 805(b) of the For-*
23 *eign Narcotics Kingpin Designation Act (21*
24 *U.S.C. 1904(b)); and”;*

1 (2) by redesignating paragraph (4) as para-
2 graph (5); and

3 (3) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) PERSON.—In subsection (a), the term ‘per-
6 son’ means—

7 “(A) a natural person who, at the time the
8 act of terrorism described in subsection (a) was
9 committed upon which the judgment described in
10 such subsection was obtained by that person, was
11 either—

12 “(i) a national of the United States as
13 defined in section 101(a)(22) of the Immigra-
14 tion and Nationality Act (8 U.S.C.
15 1101(a)(22));

16 “(ii) a member of the Armed Forces of
17 the United States; or

18 “(iii) otherwise an employee of the
19 Government of the United States, or of an
20 individual performing a contract awarded
21 by the United States Government, acting
22 within the scope of the employee’s employ-
23 ment; or

1 “(B) if the person described in subparagraph
2 (A) is deceased, the personal representative
3 of the estate of that deceased person.”.

4 **SEC. 3. APPLICABILITY.**

5 The amendments made by this Act apply to any judgment described in section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note) that is entered
6 before, on, or after the date of the enactment of this Act.
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